



National Aeronautics and  
Space Administration  
Washington, DC 20546

# Procurement Notice

**PN 04-23**  
**May 11, 2007**

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## **FEDERAL PROCUREMENT DATA SYSTEM-NEXT GENERATION (FPDS-NG) DATA VALIDATION AND VERIFICATION**

**BACKGROUND:** This PN revises the NASA FAR Supplement (NFS) to include the requirement for each center to have a statistically-valid FPDS-NG data validation and verification process. This process is required by Office of Federal Procurement Policy (OFPP) memorandum dated March 9, 2007 ([http://www.whitehouse.gov/omb/procurement/memo/fpds\\_ltr\\_030907.pdf](http://www.whitehouse.gov/omb/procurement/memo/fpds_ltr_030907.pdf)), which mandates that agencies verify and validate the accuracy of data entered into FPDS-NG. NASA currently provides an annual certification of data accuracy and completeness to the General Services Administration (GSA). The OFPP memorandum requires an annual certification of data verification and validation to OFPP in addition to the GSA certification. Both certifications are due in December.

**ACQUISITIONS AFFECTED BY CHANGES:** None.

**ACTION REQUIRED BY CONTRACTING OFFICERS:** None.

**CLAUSE CHANGES:** None.

**PARTS AFFECTED:** Part 1804.

**REPLACEMENT PAGES:** You may use the enclosed pages to replace Part 1804 of the NFS. Coverage is placed in 1804.604 in anticipation of the pending addition of FAR 4.604.

**TYPE OF RULE AND PUBLICATION DATE:** This change does not have a significant impact beyond the internal operating procedures of NASA and does not have a significant cost or administrative impact on contractors or offerors, and therefore does not require codification in the Code of Federal Regulations (CFR) or publication for public comment.

2

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Enclosures

**DISTRIBUTION LIST:**

**PN List**

**PART 1804**  
**ADMINISTRATIVE MATTERS**

**TABLE OF CONTENTS**

<b>SUBPART</b>	<b>1804.1</b>	<b>CONTRACT EXECUTION</b>
1804.103		Contract clause.
1804.170		Contract effective date.
<b>SUBPART</b>	<b>1804.2</b>	<b>CONTRACT DISTRIBUTION</b>
1804.202		Agency distribution requirements.
1804.203		Taxpayer identification information.
<b>SUBPART</b>	<b>1804.4</b>	<b>SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY</b>
1804.402		General.
1804.404-70		Contract clause.
1804.470		Security requirements for unclassified information technology resources
1804.470-1		Scope.
1804.470-2		Policy.
1804.470-3		Security plan for unclassified Federal Information Technology systems.
1804.470-4		Contract clauses.
<b>SUBPART</b>	<b>1804.5</b>	<b>ELECTRONIC COMMERCE IN CONTRACTING</b>
1804.570		NASA Acquisition Internet Service (NAIS).
1804.570-1		General.
1804.570-2		Electronic Posting System.
<b>SUBPART</b>	<b>1804.6</b>	<b>CONTRACT REPORTING</b>
1804.601		Record requirements.
1804.604		Responsibilities.
1804.671		Committee on Academic Science and Engineering (C.A.S.E.) Report.
<b>SUBPART</b>	<b>1804.8</b>	<b>GOVERNMENT CONTRACT FILES</b>
1804.802-70		Handling of classified material.
1804.803		Contents of contract files.
1804.803-70		Checklist.
1804.804		Closeout of contract files.
1804.804-2		Closeout of the contracting office files if another office administers the contract.
1804.804-5		Procedures for closing out contract files.
1804.805		Storage, handling, and disposal of contract files.
1804.805-70		Review, separation, and retirement of contract files.
<b>SUBPART</b>	<b>1804.9</b>	<b>TAXPAYER IDENTIFICATION NUMBER</b>
1804.904		Reporting payment information to the IRS.
<b>SUBPART</b>	<b>1804.70</b>	<b>TRANSFER OF CONTRACTING OFFICE</b>

## **RESPONSIBILITY**

1804.7000	Scope of subpart.
1804.7001	Definition.
1804.7002	Approval of Transfer Requests.
1804.7003	Responsibilities of the contracting officer of the transferring installation.
1804.7003-1	Coordinations.
1804.7003-2	File inventory.
1804.7003-3	Notifications.
1804.7003-4	Transfer.
1804.7003-5	Retention documentation.
1804.7004	Responsibilities of the contracting officer of the receiving installation.
1804.7004-1	Pre-transfer file review.
1804.7004-2	Post-transfer actions.

## **SUBPART 1804.71 UNIFORM ACQUISITION INSTRUMENT IDENTIFICATION**

1804.7100	Scope of subpart.
1804.7101	Policy.
1804.7102	Numbering scheme for solicitations.
1804.7103	Numbering scheme for contracts.
1804.7104	Modifications of contracts or agreements.

## **SUBPART 1804.72 REVIEW AND APPROVAL OF CONTRACTUAL INSTRUMENTS**

1804.7200	Contract review by Headquarters.
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## **SUBPART 1804.73 PROCUREMENT REQUESTS**

1804.7301	General.
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## **PART 1804 ADMINISTRATIVE MATTERS**

### **Subpart 1804.1--Contract Execution**

#### **1804.103 Contract clause.**

The contracting officer shall include the clause at FAR 52.204-1, Approval of Contract, in solicitations, contracts, and supplemental agreements that require higher level approval. For actions requiring Headquarters approval, insert "NASA Assistant Administrator for Procurement" in the clause's blank space.

#### **1804.170 Contract effective date.**

(a) "**Contract effective date**" means the date agreed upon by the parties for beginning the period of performance under the contract. In no case shall the effective date precede the date on which the contracting officer or designated higher approval authority signs the document.

(b) Costs incurred before the contract effective date are unallowable unless they qualify as precontract costs (see FAR 31.205-32) and the clause prescribed at 1831.205-70 is used.

## **Subpart 1804.2--Contract Distribution**

### **1804.202 Agency distribution requirements.**

In addition to the requirements in FAR 4.201, the contracting officer shall distribute one copy of each R&D contract, including the Statement of Work, to the NASA Center for AeroSpace Information (CASI), Attention: Acquisitions Collections Development Specialist, 7115 Standard Drive, Hanover, MD 21076-1320.

### **1804.203 Taxpayer identification information.**

Instead of using the last page of the contract to provide the information listed in FAR 4.203, NASA installations may allow contracting officers to use a different distribution method, such as annotating the cover page of the payment office copy of the contract.

## **Subpart 1804.4--Safeguarding Classified Information Within Industry**

### **1804.402 General.**

(b) NASA security policies and procedures are prescribed in NPD 1600.2A, NASA Security Policy; NPR 1620.1, Security Procedural Requirements; NPR 2810.1 and NPD 2810.1 Security of Information Technology.

### **1804.404-70 Contract clause.**

The contracting officer shall insert the clause at 1852.204-75, Security Classification Requirements, in solicitations and contracts if work to be performed will require security clearances. This clause may be modified to add instructions for obtaining security clearances and access to security areas that are applicable to the particular acquisition and installation.

### **1804.470 Security requirements for unclassified information technology resources.**

#### **1804.470-1 Scope.**

This section implements NASA's acquisition-related aspects of Federal policies for assuring the security of unclassified automated information resources. Federal policies include, but are not limited to, the Computer Security Act of 1987 (40 U.S.C. 1441 et seq.), the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.), Public Law 106-398, section 1061, Government Information Security Reform, OMB Circular A-130, Management of Federal Information Resources, and the National Institute of Standards and Technology security guidance and standards.

#### **1804.470-2 Policy.**

(a) NASA policies and procedures on security for automated information technology are prescribed in NPD 2810.1, Security of Information Technology, and in NPR 2810.1, Security of Information Technology. The provision of information technology (IT) security in accordance with these policies and procedures, is required in all contracts that include IT resources or services in which a contractor must have physical or electronic access to NASA's sensitive information contained in unclassified systems that directly support the mission of the Agency. This includes information technology, hardware, software, and the management, operation, maintenance, programming, and system administration of computer systems, networks, and telecommunications systems. Examples of tasks that require security provisions include:

- (1) Computer control of spacecraft, satellites, or aircraft or their payloads;

(2) Acquisition, transmission or analysis of data owned by NASA with significant replacement costs should the contractor's copy be corrupted; and

(3) Access to NASA networks or computers at a level beyond that granted the general public, e.g. bypassing a firewall.

(b) The contractor must not use or redistribute any NASA information processed, stored, or transmitted by the contractor except as specified in the contract.

#### **1804.470-3 Security plan for unclassified Federal Information Technology systems.**

(a) The requiring activity with the concurrence of the Center Chief Information Officer (CIO), and the Center Information Technology (IT) Security Manager, must determine whether an IT Security Plan for unclassified information is required.

(b) IT security plans must demonstrate a thorough understanding of NPR 2810.1 and NPD 2810.1 and must include, as a minimum, the security measures and program safeguards planned to ensure that the information technology resources acquired and used by contractor and subcontractor personnel --

(1) Are protected from unauthorized access, alteration, disclosure, or misuse of information processed, stored, or transmitted;

(2) Can maintain the continuity of automated information support for NASA missions, programs, and functions;

(3) Incorporate management, general, and application controls sufficient to provide cost-effective assurance of the systems' integrity and accuracy;

(4) Have appropriate technical, personnel, administrative, environmental, and access safeguards;

(5) Document and follow a virus protection program for all IT resources under its control; and

(6) Document and follow a network intrusion detection and prevention program for all IT resources under its control.

(c) The contractor must be required to develop and maintain an IT System Security Plan, in accordance with NPR 2810.1, for systems for which the contractor has primary operational responsibility on behalf of NASA.

(d) The contracting officer must obtain the concurrence of the Center Chief of Security before granting any contractor requests for waiver of the screening requirement contained in the clause at 1852.204-76.

#### **1804.470-4 Contract clauses.**

The contracting officer must insert a clause substantially the same as the clause at 1852.204-76, Security Requirements for Unclassified Information Technology Resources, in solicitations and contracts which require submission of an IT Security Plan.

### **Subpart 1804.5--Electronic Commerce in Contracting**

#### **1804.570 NASA Acquisition Internet Service (NAIS).**

##### **1804.570-1 General.**

The NASA Acquisition Internet Service (NAIS) provides an electronic means for posting procurement synopses, solicitations, and associated information on the NAIS Internet site which in turn, automatically posts relevant information onto the Governmentwide point of entry (GPE).

##### **1804.570-2 Electronic Posting System.**

(a) The NAIS Electronic Posting System (EPS) enables the NASA procurement staff to --

(1) Electronically create and post synopses on the NAIS Internet site and the GPE; and

(2) Post solicitation documents, including solicitation amendments or cancellations, and other procurement information on the NAIS Internet site with linked references on the GPE.

(b) The EPS maintains an on-line index linking the posted synopses and solicitations for viewing and downloading.

(c) The EPS shall be used to --

(1) Create and post all synopses in accordance with FAR Part 5 and NFS 1805; and

(2) Post all competitive solicitation files, excluding large construction and other drawings, for acquisitions exceeding \$25,000.

(d) The NAIS is the official site for solicitation postings which in turn, automatically posts relevant information onto the Government-wide point of entry (GPE). In the event supporting materials, such as program libraries, cannot be reasonably accommodated by the NAIS, Internet sites external to NAIS may be established after coordination with the contracting officer. Such sites must be linked from the NAIS business opportunities index where the solicitation resides. External sites should not duplicate any of the files residing on the NAIS.

## **Subpart 1804.6--Contract Reporting**

### **1804.601 Record requirements.**

The Headquarters Office of Procurement (Code HC) is responsible for meeting the requirements of FAR 4.601, based on installation submission of Individual Procurement Action Reports (NASA Form 507 series) data.

### **1804.604 Responsibilities.**

(c) Centers must perform a statistically-valid verification and validation of FPDS-NG data twice per year on a minimum of 25 percent of center actions. The procurement officer must certify data accuracy and completeness. Specific process requirements are as follows:

(i) A cross-section of contract actions (delivery orders, purchase orders, funding actions, new contract awards, grants, cooperative agreements, etc.) shall be reviewed to provide visibility into the various types of actions that the center executes. The Office of Federal Procurement Policy (OFPP) requires a statistically-valid data verification and validation process, and each center is responsible for developing a statistically-valid method of contract action selection. If the center reviews greater than 25 percent of its actions per center guidance, the reviews should continue at the level required by the center.

(ii) Validation and verification must be conducted by an organization or person that did not award the contracts being reviewed. The reviews may be performed by contractor personnel as long as the individual was not involved in the award of the contract action under review and the review function is within the scope of the contract with NASA.

(iii) The review shall include the following fields in FPDS-NG:

(A) Extent Competed – was competition recorded correctly?

(B) Type of Set-Aside – was the correct type of set-aside chosen?

(C) Contracting Officer's Business Size Selection – was the correct business size selected?

(D) Type of Small Business Award (SWOB, SVOB, HUBZONE, etc.).

(E) Dollar Amount of the Action.

(F) Place of Manufacture.

(G) Advisory and Assistance Services – was the field checked if the contract action was for advisory and assistance services?

(H) Description of Requirement – is there a meaningful description provided? A meaningful description is one that includes something other than the effort title and/or the type of effort (e.g., "Phase II SBIR" or "Space Shuttle Engine Modification").

(I) Performance-Based Acquisition – was the field checked if the contract action was performance-based? (This field must be checked in the basic and in each modification).

(J) Procurement Placement Code (PPC) – was the correct PPC used?

(K) Vendor Data in the Central Contractor Registration (CCR) – does data displayed in FPDS-NG match data in CCR?

(L) Product/Service Code – when multiple codes apply, does the code selected adequately describe the preponderance of work being performed under the contract?

(iv) Errors or discrepancies identified during the review must be documented and corrected in FPDS-NG and PRISM/CMM. Current year awards must be reviewed, but if an error is identified that has been carried forward from the basic award, the basic award must be corrected.

(v) Errors identified in CCR data and the basic contract award information input by another agency (when placing orders) cannot be corrected by NASA, but must still be reported.

(vi) The procurement officer shall submit the review results and the certification to the Office of Procurement Analysis Division on or before the 30th of May and November of each year. The May review covers the period from October 1 through March 31, and the November review covers the period from April 1 through September 30. The reviews may be included as a part of center self-assessment activities or as stand alone activities. Centers may elect to conduct reviews on a more frequent basis (e.g., quarterly or monthly) and include this data in the report accompanying the twice-yearly certifications.

(vii) The procurement officer must sign the certification letter. The letter must state that the verification and validation review has been accomplished and must certify data accuracy and completeness. The certification letter must be accompanied by an Excel spreadsheet which identifies the contract actions reviewed, the findings for each field identified in 1804.604(c)(iii), the changes (if any) required, and the date that the changes were accomplished in FPDS-NG and/or CMM/PRISM.

(viii) Each center must identify a primary focal point and one alternate for FPDS-NG data verification and validation responsibility. The focal point is responsible for establishing and coordinating the center's review process and ensuring that reviews comply with the requirements of this section and the OFPP mandate for independent review of contract actions. The focal point must also ensure that certifications (with required Excel spreadsheet data) are provided to the Office of Procurement Analysis Division by the established due dates. Focal point and/or alternate changes must be promptly provided to the Analysis Division.

(ix) Each center shall develop and maintain an FPDS-NG Data Validation and Verification Implementation Plan. The implementation plan must describe the method to be used in arriving at a statistically-valid sample representing a cross-section of center contract actions, the percentage of actions to be reviewed by the center twice yearly, the Excel spreadsheet template to be provided with the certification, the frequency of planned reviews, and the center plan for ensuring that the reviews are conducted by an organization or person that did not award the contracts being reviewed. The procurement officer must provide a copy the center's implementation plan, and any changes or updates, to the Office of Procurement Analysis Division.

#### **1804.671 Committee on Academic Science and Engineering (C.A.S.E.) Report.**

NASA Form 1356, C.A.S.E. Report on College and University Projects, shall be prepared for awards to nonprofit institutions of higher education or to nonprofit institutions that are operationally affiliated or integrated with an educational institution. Information on this form is used to produce reports required by the National Science Foundation and to respond to inquiries. Submission is required regardless of instrument type (contract, grant, cooperative agreement, or funded Space Act agreement) and type of proposal (solicited or unsolicited). Instructions appear on the form itself and constitute the detailed guidance for preparation and submission. The form,



which is either included with the acquisition package or initiated by the contracting office, shall be completed, reviewed, and promptly forwarded upon award to the Headquarters Office of Education, Director, Performance Measurement.

## **Subpart 1804.8--Government Contract Files**

### **1804.802-70 Handling of classified material.**

When a contract is unclassified, classified material relating to that contract shall be maintained in a separate file folder and container, and the unclassified folder shall be marked to indicate the location of the classified material. The front and back of each folder containing classified material shall be marked with the highest classification assigned to any document in the folder.

### **1804.803 Contents of contract files.**

#### **1804.803-70 Checklist.**

NASA Form 1098, Checklist for Contract Award File Content, shall be used as the "top page" in contract files.

### **1804.804 Closeout of contract files.**

#### **1804.804-2 Closeout of the contracting office files if another office administers the contract.**

(b) Upon receiving the NASA Form 1611 or DD Form 1594, Contract Completion Statement, from the contract administration office and complying with FAR 4.804-2(b), the contracting officer shall complete the form.

#### **1804.804-5 Procedures for closing out contract files.**

(a) When the contracting office retains contract administration (excluding acquisitions under the simplified acquisition threshold), the contracting officer must comply with FAR 4.804-5(a) by completing NASA Form 1612, Contract Closeout Checklist, and DD Form 1593, Contract Administration Completion Record.

(b) To comply with FAR 4.804-5(b), the contracting officer must complete NASA Form 1611 or DD Form 1594, Contract Completion Statement, except for acquisitions under the simplified acquisition threshold.

### **1804.805 Storage, handling, and disposal of contract files.**

(a) See NPR 1441.1, NASA Records Retention Schedules.

#### **1804.805-70 Review, separation, and retirement of contract files.**

(a) Upon determination of contract completion under the procedures outlined in 1804.804, each office shall remove the official contract files from the active file series, mark each file folder with "Completed (Date)", and place the folder in a completed (inactive) contract file series. Separate series should be established for contracts of \$25,000 or less and for contracts of more than \$25,000, to facilitate later disposal. Any original or official file copies of documents contained in duplicate or "working" contract files shall be removed and placed in the appropriate official file; any remaining material in the duplicate or "working" file shall be destroyed immediately or segregated and marked for early disposal.

(b) Each office shall review contractor "general" files (i.e., a file containing documents relating generally to a contractor rather than a specific contract) at least once annually and remove documents that --

(1) Are obsolete or superseded documents relating generally to the contractor (e.g., documents no longer pertinent to any aspect of a contractor's current or future capability, performance, or programs, and documents relating to a contractor that is no longer a possible source of supplies, services, or technical assistance) and dispose of the documents as authorized in 1804.805; or

(2) Pertain only to completed contracts. Place those files that are not routine in nature in inactive files for later disposal, and immediately dispose of routine documents as authorized in NPR 1441.1, NASA Records Retention Schedules.

### **Subpart 1804.9--Taxpayer Identification Number Information**

#### **1804.904 Reporting payment information to the IRS.**

Each NASA installation, that has its own employer identification number, may elect to report to the IRS payments under purchase orders and contracts for merchandise and other exempt bills.

### **Subpart 1804.70--Transfer of Contracting Office Responsibility**

#### **1804.7000 Scope of subpart.**

This subpart contains policies and procedures applicable to the transfer of contracts between NASA installations.

#### **1804.7001 Definition.**

"**Transfer of a contract**," as used in this subpart, means that process whereby a contract and all future responsibility for a contract held by one installation are transferred or reassigned in writing to another installation.

#### **1804.7002 Approval of Transfer Requests.**

(a) The approval authority for requests to transfer a contract is the official in charge of the cognizant Headquarters program office or designee. Requests for approval shall be submitted by the director of the transferring installation after receiving the concurrence of the director of the receiving installation. Concurrence of the Associate Deputy Administrator (Code AI) is also required for a transfer where an installation's roles and missions may be affected.

(b) Approval of a program transfer by the cognizant Headquarters official constitutes approval to transfer program-related contracts.

#### **1804.7003 Responsibilities of the contracting officer of the transferring installation.**

##### **1804.7003-1 Coordinations.**

The contracting officer of the transferring installation shall take the following steps before transferring the contract:

(a) Agree on a plan and schedule with the contracting officer of the receiving installation for transferring contract responsibility and contract files.

(b) Coordinate with the following offices:

(1) Financial Management Office, to determine the contract financial records to be transferred and the method, timing, and dollar amount of such transfers.

(2) Technical (Engineering and Project) Office, to determine the status of any outstanding engineering changes.

(3) Reliability and Quality Assurance Office, to determine status and method of transferring the reliability and quality assurance functions.

(4) Industrial Property and Facilities Office, to determine the method of transferring the Government property records.

(5) Transportation Office, to determine the status of bills of lading furnished the contractor.

(6) Security Office, to determine whether any classified material is outstanding and whether special precautions are necessary during the transfer process.

(7) Other organizational elements, to determine the status of any other actions such as new technology, materials reports, PERT, and safety.

#### **1804.7003-2 File inventory.**

The contracting officer of the transferring installation shall prepare an inventory of the contract file. This inventory shall also include a separate listing of all outstanding requests for contract administration assistance issued to other Government agencies, indicating the name and address of the agency office, functions requested to be performed, estimated cost of the services, and estimated reimbursement due the administration agency for the services yet to be performed for each requested function. Copies of this inventory shall be provided to the contracting officer of the receiving installation.

#### **1804.7003-3 Notifications.**

The contracting officer of the transferring installation shall provide written notification of the planned transfer to the contractor and all agencies performing or requested to perform administration services.

#### **1804.7003-4 Transfer.**

(a) Upon completion of the actions described in 1804.7003-1 through 1804.7003-3, the contracting officer of the transferring installation shall issue a letter to the contractor, agencies performing contract administration functions, contracting officer representatives, and the contracting officer of the receiving installation. This letter shall provide notification of the transfer date, termination of appointment of the contracting officer's representatives, and the name, mailing address, and telephone number of the contracting officer of the receiving installation.

(b) After issuing the letters described in 1804.7003-4(a), the contracting officer of the transferring installation shall send the contract file to the contracting officer of the receiving installation with a letter transferring contract responsibility. This letter shall contain a provision for acceptance of the responsibility for the contract and its related files by the contracting officer of the receiving installation.

#### **1804.7003-5 Retention documentation.**

The contracting officer of the transferring installation shall retain for permanent file a copy of the approvals and concurrences required by 1804.7002, the transfer acceptance letter of the contracting officer of the receiving installation, and any additional documents necessary for a complete summary of the transfer action.

#### **1804.7004 Responsibilities of the contracting officer of the receiving installation.**

##### **1804.7004-1 Pre-transfer file review.**

The contracting officer of the receiving installation shall review the contract, letters of request, actions in process, and other related files and to request corrective action, if necessary, before the official transfer of the contract. This review may be waived by written notification to the contracting officer of the transferring installation.

## **1804.7004-2 Post-transfer actions.**

The contracting officer of the receiving installation shall --

- (a) Provide the contracting officer of the transferring installation written acceptance of contract responsibility and receipt of the contract files;
- (b) Inform all offices affected within the installation of the receipt of the contract;
- (c) Appoint new contracting officer's technical representatives, as necessary;
- (d) Issue a contract modification to provide for the administrative changes resulting from the transfer action (e.g., identifying offices responsible for performing contract administration and making payment and the office to which vouchers, reports, and data are to be submitted);
- (e) Provide copies of the contract documents to affected installation offices; and
- (f) If appropriate, supplement the letter of request to the Government agency providing contract administration services to reflect the changes resulting from the transfer action. The supplement may terminate or amend an existing contract administration support arrangement or may request support in additional areas.

### **Subpart 1804.71--Uniform Acquisition Instrument Identification**

## **1804.7100 Scope of subpart.**

This subpart contains the procedures for uniform numbering of NASA solicitations, contracts (including letter contracts), purchase orders (including requests to other Government agencies), basic ordering agreements, other agreements between the parties involving the payment of appropriated funds or collection of funds for credit to the Treasury of the United States, and modifications or supplements to these instruments.

## **1804.7101 Policy.**

Contractual documents shall be numbered with approved prefixes, suffixes, and serial numbers as prescribed in this subpart. If other identification is required for center purposes, it shall be placed on the document in such a location as to clearly separate it from the identification number.

## **1804.7102 Numbering scheme for solicitations.**

(a) Solicitations shall use the following twelve character alpha-numeric numbering scheme. For the purposes of this section, solicitations include RFPS, draft RFPs, IFBs, RFQs, RFIs, BAAs, NRAs, AOs, and cooperative agreement notices (CANs).

(1) The first two characters shall be NN.

(2) The third character shall designate the Center/Installation issuing the solicitation as follows: A=ARC, C=GRC, D=DFRC, G=GSFC, H=HQ, J=JSC, K=KSC, L=LaRC, M=MSFC, N=NMO-JPL, P=NMO-APL, S=SSC, and X=NSSC.

(3) The fourth and fifth characters shall be two numeric characters for the FY in which the solicitation is expected to be issued.

(4) The sixth through eleventh characters shall be the last six digits of the purchase request (PR) number, except for cases where the solicitation is to be issued without an assigned PR number, for example NASA Research Announcements (NRAs) and Announcements of Opportunity (AOs). In those cases: the sixth character shall be the letter Z; the seventh and eighth characters shall represent the issuing organization's code; and the ninth through eleventh characters shall be an action number (001-999), assigned sequentially by the issuing organization.

(5) The twelfth character shall be one alpha character for type of solicitation, as follows:

C= CAN  
 E = IFB  
 J = Draft RFP  
 K = BAA (other than AOs or NRAs) or other grant announcements  
 L = RFI  
 N = NRA  
 O = AO  
 Q = RFQ  
 R= RFP

(b) The solicitation number is also referred to as the “collective” number within the Integrated Enterprise Management (IEM) system. Since the “collective” field in IEM is limited to ten characters, omit the first two characters (NN) when the solicitation number is entered into the “collective” field.

#### **1804.7103 Numbering scheme for awards.**

(a) The identification number for awards shall consist of exactly ten alpha-numeric characters. Identification numbers shall be serially assigned to the extent feasible. Installations may designate blocks of numbers to offices for future use.

(b) The identification number shall consist of the following:

- (1) The first two characters shall be NN.
- (2) The third character shall be as set forth in 1804.7102(a)(2) .
- (3) The fourth and fifth characters shall be two numeric characters for the FY in which the award is expected to be signed by the Government.
- (4) The sixth through ninth characters shall be four digits for action number; two alphas, two numbers (AA01, AA02 ... AA99, AB01, AB02, ... AZ99, BA01, BA02, etc. through ZZ99)
- (5) The tenth character shall be an alpha character for type of action, as follows:

A - Cooperative agreement.

B - BOA, GWAC, or other indefinite delivery type contract.

C - Contract (except Facilities or indefinite delivery type).

D - Delivery order or call against a supply contract (BOA, FSS, or other indefinite delivery contract or BPA).

F - Facilities contract.

G - Grant (other than training).

H - Training grant.

I - Intragovernmental transaction, i.e., request to another Government agency to furnish supplies or services. It does not include an award by NASA to fulfill a request from another agency.

P - Purchase order. (This does not include a call or task or delivery order, regardless of whether it is issued on a purchase order form. It also does not include other types of actions listed in this paragraph, notwithstanding that they are referred to as purchase orders in IEM.)

S - Space Act agreement.

T - Task order or call against a service (including R&D) contract (BOA, FSS, or other indefinite delivery contract or BPA).

Z - BPA.

(b) Sample.

NNG04AA01C would be a GSFC action issued in FY04. It would be the first one issued at the Center (or the first of its type), and the action type would be a contract:

NN	G	04	AA01	C
NASA	GSFC	FY04	Serial No. 1	Contract

#### **1804.7104 Modifications of contracts or agreements.**

(a) Modifications of definitive or letter contracts or agreements shall (1) bear the same identification as the contract or agreement being modified and (2) be numbered consecutively for each contract or agreement, beginning with Modification Number 1, regardless of whether the modification is accomplished by unilateral or bilateral action. Except for termination notices, modifications shall be effected by the use of Standard Form 30, Amendment of Solicitation/Modification of Contract.

(b) Definitive contracts superseding letter contracts shall retain the same contract number as that originally assigned to the letter contract. Actions definitizing letter contracts are considered modifications and shall be assigned modification numbers in accordance with paragraph (a) of this subsection.

### **Subpart 1804.72--Review and Approval of Contractual Instruments**

#### **1804.7200 Contract review by Headquarters.**

(a) Requests for approval of contracts and supplemental agreements by the Assistant Administrator for Procurement shall be submitted to the Headquarters Office of Procurement (Code HS) in sufficient time to allow a minimum of 15 days for review.

(b) Each request for approval shall be accompanied by (1) five copies of the contractual document, one of which has been executed by the contractor and contracting officer, and (2) the official contract file containing the appropriate documentation as set forth in FAR 4.803(a). However, for the items specified in FAR 4.803(a)10, (11), and (12), the contracting officer shall provide documentation pertaining only to the successful offeror; and, in lieu of the items specified in FAR 4.803(a)(26)(ii) and (iii), the contracting officer shall provide an index briefly describing the content of all previous modifications.

(c) The approval required under this section shall be made by signature of the Assistant Administrator for Procurement on the contract/supplemental agreement.

### **Subpart 1804.73--Procurement Requests**

#### **1804.7301 General.**

Except in unusual circumstances, the contracting office shall not issue solicitations until an approved procurement request (PR), containing a certification that funds are available, has been received. However, the contracting office may take all necessary actions up to the point of contract obligation before receipt of the PR certifying that funds are available when -

- (a) Such action is necessary to meet critical program schedules;
- (b) Program authority has been issued and funds to cover the acquisition will be available prior to the date set for contract award or contract modification;
- (c) The procurement officer authorizes such action in writing before solicitation issuance; and
- (d) The solicitation includes the clause at FAR 52.232-18, Availability of Funds. The clause shall be deleted from the resultant contract.